

WELLS
FARGO

The Next Stage®



In 1852 we arrived in Utah. Evidently we've arrived again.

...an asks the court for
...ective order against
...nd, which a judge
...s in August.

September 1996 —
...ner woman files for a
...rate protective order,
...n a judge also signs in
...ber.

November 1996 —
...nd is charged with joy-
...g with the intent to
...rarily deprive an
...er of his vehicle. He
...is guilty and is sen-
...ed to zero-to-five years
..., and once again a
... lessens the sen-
...ce to six months in jail
...robation. As part of
...ation, Ireland agrees
...veral conditions,
...ding one that he will
...in in his mother's
...e during probation.
...lates probation and
...dered to complete the
...al zero-to-five-year
...nce.

January 1997 — Ire-
...s charged with
...pting to receive or
...fer a stolen vehicle.
...eads guilty and 3rd
...ct Judge Robert
...r suspends a zero-to-
...ear prison sentence
...u of three years' pro-
...n.

...part of his probation
...ment, Ireland agrees
...sume no alcohol, to
...lete counseling and
...o associate with any-
...who uses or distrib-
...illegal drugs. He vio-
...probation a few
...hs later, and the prior
...o-five-year sentence
...stated.

...son officials say Ire-
...s in and out of prison
...ese charges up until
...mber 2000.

July 23, 1999 —

...l rap sheet a mile long
...methamphetamine and mari-
...juana in his system.

But the gray area that holds
the details of the investigation
has raised concerns from Gar-
cia's family, community leaders
and lawmakers.

"It is still so devastating,"
Lujan said recently from her
Magna home. "Even at this
point, it has more to do with the
attorneys, the D.A.'s office, the
Board of Pardons. My big thing
is that no one can give me a
straight answer, and no one has
ever taken any responsibility
for this."

And so the questions live on:

Why didn't the Salt Lake
County District Attorney's
Office file automobile homi-
cide charges against Ireland?

Why did prosecutors — in
one of the family's most painful
moments of the two years —
take the word of an eyewitness
stoned on marijuana himself to
imply Garcia might have
caused her own death?

Why did the man who admit-
ted being "an instrument" of
the girl's death spend only one
year and eight months in
prison when a judge demanded
a zero-to-five year sentence on
the drug charge for which the
man was convicted?

Why, in this case, were there
so many missteps in the justice
system?

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*"This case is one of the rea-
sons I thought there needed to
be a change in the district
attorney's office."*

— Lohra Miller, a Taylorsville
prosecutor who ran against Salt
Lake County District Attorney
David Yocom in 2002.

□ □ □

Yocom almost lost the last
election to a virtually unknown
prosecutor with little experi-
ence in felony criminal cases.
Lohra Miller earned 48 per-
cent of the county vote com-
pared to Yocom's 52 percent.

drug possession and driving
with a measurable amount of
controlled substance in con-
nection with his involvement in
the crash. His mother, Sherry
Tucker, has supported her son
throughout. Ireland lives with
her now, and she didn't want
him to talk to a reporter for this
story.

She wants her family to be
able to get on with life. She
wants the publicity to go away.

"What I can tell you is, me
and my son both, if there was
anything in this world to make
it better for Garcia's family, we
would. The only thing he can
do is totally change his life
around and become a produc-
tive citizen. And the only way
we can do that is to be given
time," Tucker said.

But it is not so easy for
Lujan, Garcia's mother, to get
on with life.

During the past 26 months,
the woman has immersed her-
self in Ireland's prosecution
and the other criminal cases in
which the man has been
involved. She has missed only
one court appearance of doz-
ens in more than two years. In
that case, she sent a lengthy let-
ter, weighing in with concerns,
to the judge.

She has butted heads with
police investigators, prosecu-
tors, prison officials. Her large
extended family has demanded
justice for Garcia all along the
way only to be told by the sys-
tem: "We've done our job. We
can do nothing more."

But a close examination of
court documents, police inter-
views, prison records and doz-
ens of meetings with people
close to the details puts flesh
on the case. The investigation
also demonstrates that while
departments technically and
legally may have done their

began chipping away at prose-
cution in the case, which was
originally listed as an automo-
bile homicide investigation.

After the crash, Ireland
refused a blood test.

Although state law allows for
an officer to demand a blood
draw to determine impairment
in the case of a fatal accident,
that did not happen in this

***If our prosecuting attor-
ney would have worked
as hard as the defense
attorney worked, he
would be in jail.***

Sheryl Lujan
Angel Garcia's sister

case.

Instead, deputy Scott Bucha-
nan, a drug recognition expert
from West Valley City, was
called in to investigate. Ireland
refused to talk to Buchanan
and covered his eyes, conceal-
ing them, when another officer
asked to measure his pupil
size. Still, testimony from sev-
eral officers was enough for
Taylorsville Justice Court
Judge Michael Kwan to order a
search warrant for a blood
draw to be taken in the middle
of the night.

"I noticed that when he
spoke, he was very hard to
understand. He spoke in a
slurred manner, and his
speech was slow," deputy
Jason Mudrock wrote.

"When Mr. Ireland spoke to
me, his speech was slow and
raspy. Both speech impedi-

appear to be impaired."

More than five hours later,
officials finally were able to
take a blood test from Ireland.

And this is where Lujan's
waiting game begins.

Three months after the
crash, when a reporter
inquired about the status of the
case, the Utah Health Depart-
ment, the Salt Lake County
Attorney's Office and Sheriff's
Department officials all had
conflicting comments about the
status of evidence in the case
— all relating to toxicology
reports that would determine
Ireland's impairment.

When the report finally
made its way back to prosecu-
tors, they determined Ireland
couldn't be charged with auto
homicide.

While Ireland clearly had
meth and marijuana "metabo-
lites" in his system, a report
issued by prosecutors justify-
ing their inability to file auto-
mobile homicide charges said
the amount was little more
than a "therapeutic" level of
meth.

In fact, as Kent Morgan,
spokesman for the Salt Lake
County District Attorney's
Office, said in a KSL-TV inter-
view at the time, "The amount
of methamphetamine that was
in this gentleman's system
would make him sharper."

"We can't ethically file a
case where the evidence isn't
there," Morgan continued.

But that reasoning was a
problem for some prosecutors
and lawmakers, who last year
changed the law because of
the Ireland case.

And because the issue has
seemingly been resolved, Salt
Lake County District Attorney
Yocom is furious with recent
coverage of the Ireland case.

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...amine and a "0.1 megam-
...methamine level."
...prosecutor's report said:
...therapeutic' level for
...would be 0.02 to 0.09; how-
...the 0.1 level is not per se
...of impairment."

The signs officers obse-
might have been caused by
old head injury, Murphy w-
or could have been part of
physiological "slump" as
meth wore off. "But this p-
bility also is speculative d-
incomplete and contradi-
observations," according to
report.

Terry Lamoreaux of
Utah State Toxicology Lab-
he was not familiar with
"therapeutic" level of
referenced by Murphy in
report. "Meth doesn't ha-
lot of therapeutic uses,"
said. He did agree it was
cult to determine the
level at the time of the crash.

But the Legisla-
addressed this problem
determining impairment
year. A statute was passe-
after Angel's death — ma-
it a felony to drive an auto-
bile with any amount of ill-
substance in one's system
causing the death of another.

"The law was changed
cifically because of the Ire-
case," said Paul Boyden, l-
of the statewide prosecu-
association.

Had this case happe-
today, prosecutors would l-
an easier time charging him.

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*"The important thing here is
that there is no way we could
have charged this man, and we
have several reasons for it. Pri-
marily, that we couldn't prove
he was impaired. Negligence
is another issue that could be
debated, but we came up with
a draw on that as far as the
evidence is concerned."*

— Salt Lake County Distri-
Attorney David Yocom in a
statement May 2002